

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

MAR 16 2017

Clerk, U.S. District Court  
District Of Montana  
Billings

HECTOR GUILLERMO SMITH  
MAC DONALD GONZALEZ,

Plaintiff,

vs.

WHITNEY MERLYNN PETERSON,

Defendant.

CV 17-34-BLG-SPW

TEMPORARY  
RESTRAINING ORDER

The Court having considered Petitioner's Ex Parte Motion for Temporary Restraining Order has determined that an order shall be issued without notice of Respondent because a significant risk exists that the relief sought under the Verified Petition would be mooted by Respondent leaving the jurisdiction before the Court had an opportunity to decide the merits of the Verified Petition. Pursuant to Rule 65(b)(1)(A), Fed. R. Civ. P., Petitioner has submitted "specific facts in an affidavit or verified complaint" that demonstrate Petitioner would suffer irreparable harm if Respondent were to leave the Court's jurisdiction and not appear before this Court to resolve the claim presented by Petitioner, forcing Petitioner to locate Respondent again and file another petition to exercise his rights under the Hague Convention.

IT IS HEREBY ORDERED that:

1. Petitioner's Application for an Ex Parte Temporary Restraining Order (Doc. 5) is hereby GRANTED.

2. Respondent is prohibited from directly or indirectly removing D.E.S.M.P. and D.T.S.M.P. from the District of Montana pending the hearing and the adjudication of the Verified Petition.

3. No reasonable likelihood of harm to Respondent from being wrongfully enjoined exists, and therefore Petitioner is not required to give security pursuant to Federal Rule of Civil Procedure 65(c).

4. Respondent is ORDERED to show cause why she should not be prohibited from removing D.E.S.M.P. and D.T.S.M.P. from this Court's jurisdiction until this proceeding is concluded. Respondent is further ORDERED to show cause as to why the relief requested in the Verified Petition for Return of Child to Petitioner (Doc. 1) should not be granted.

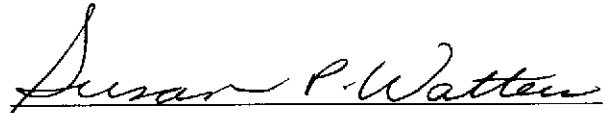
5. The parties shall appear before this Court on **March 28, 2017 at 9:30 a.m.** for a hearing on Preliminary Injunction and for a hearing on the merits of the Verified Petition.

6. Respondent is further ORDERED to produce the passports and any other identification and/or travel documents of D.E.S.M.P. and D.T.S.M.P. at the hearing and to deposit them with the Court for safekeeping until this proceeding has concluded.

7. A copy of this Order, along with a copy of the Verified Petition, shall promptly be served upon Respondent. A proof of service shall be filed thereafter.

8. This Order expires 14 days after its entry.

DATED this 16<sup>th</sup> day of March, 2017 at 11:30 A.M.

  
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SUSAN P. WATTERS  
United States District Judge